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**Notice of Allowability**

Application No.

09/586,064

Examiner

Tongoc Tran

Applicant(s)

HUTCHINGS ET AL.

Art Unit

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 5/27/2004.
2. ☒ The allowed claim(s) is/are 1-28.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

### DETAILED ACTION

1. Claims 1-28 are allowed.

### EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Douglas McAllister on July 19, 2004.

Claims 1 and 28 have been amended as follows:

1. (Currently Amended) A method for enabling a primary conditional access provider (CAP) and at least one secondary CAP to provide conditional access (CA) data in respective different formats to control access to at least one data service, comprising the steps of:

(a) providing at the primary CAP, first CA data in a first format for encrypting the at least one data service during a plurality of successive crypto-periods, and time data for identifying the successive crypto-periods;

(b) [providing] transmitting the first CA data and the time data from the primary CAP to the at least one secondary CAP;

wherein the at least one secondary CAP is responsive to the first CA data and time data for providing second CA data in a different, second format for the successive crypto-periods; and

(c) [providing] transmitting a data stream comprising the at least one encrypted data service and first and second CA data to user terminals, including at least a first user terminal that is compatible with the first CA data, and a second user terminal that is compatible with the second CA data.

28. (Currently Amended) An apparatus for enabling a primary conditional access provider (CAP) and at least one secondary CAP to provide conditional access (CA) data in respective different formats to control access to at least one data service, comprising:

a primary CAP for providing first CA data in a first format for encrypting the at least one data service during a plurality of successive crypto-periods, and time data for identifying the successive crypto-periods;

means for communicating the first CA data and the time data from the primary CAP to the at least one secondary CAP;

wherein the at least one secondary CAP is responsive to the first CA data and time data for providing second CA data in a different, second format for the successive crypto-periods; and

means for [providing] communicating a data stream comprising the at least one encrypted data service and first and second CA data to user terminals, including at least a first user terminal that is compatible with the first CA data, and a second user terminal that is compatible with the second CA data.

***Allowable Subject Matter***

3. The following is an examiner's statement of reasons for allowance:

The present invention is directed to a method and system for communicating conditional access data between different conditional access systems. The closest prior art, Son, fails to teach the limitation in light of the specification for "transmitting a data stream comprising encrypted service as well as the conditional access (CA) data in the first format of the primary CAP and also CA data in the second format of the secondary CAP". The art of record, either singularly or in combination, does not anticipate or render the above underlined limitations obvious.

Claims 1 and 28 have been amended by the examiner's amendment to delete the term "providing" and insert "transmitting" (claim 1) and "communicating" (claim 28) to include the active steps in the method.

Claims 2-27 are dependent claims which are patently distinct over the art of record for the above reasons.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tongoc Tran whose telephone number is (703) 305-7690. The examiner can normally be reached on 8:30-5:00 M-F.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory A. Morse can be reached on (703) 308-4789. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Examiner: Tongoc Tran  
Art Unit: 2134

TT

July 19, 2004

  
GREGORY MORSE  
SUPERVISORY PATENT EXAMINER  
BIOLOGY CENTER 2100